

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MAURICIO A. LEON, M.D.,

Plaintiff,

vs.

IDX SYSTEMS CORPORATION, a Vermont  
corporation,

Defendant.

NO. CV03-1158P

PLAINTIFF'S MEMORANDUM  
CONCERNING:

(1) DEFENDANT'S MOTION TO  
DISMISS AND FOR TERMS RE  
SPOILIATION OF EVIDENCE

AND

(2) ORAL ARGUMENT HEARD ON  
SEPTEMBER 8, 2004

At the conclusion of yesterday's hearing, the Court and the parties agreed that the Court should form its own assessment of Dr. Leon's credibility prior to ruling on IDX's motion concerning alleged spoliation. The Court requested that the parties jointly submit excerpts from the videotaped deposition of Dr. Leon.

In the interests of justice, and in order to give the Court and IDX an opportunity to examine Dr. Leon in the crucible of the courtroom, Dr. Leon respectfully requests that the Court devote its time not to a review of a videotaped deposition, but rather to an examination

PLTF'S MEMO CONCERNING (1) DEF.'S MOTION TO DISMISS AND FOR  
TERMS RE SPOILIATION OF EVIDENCE and (2) ORAL ARGUMENT - 1 of 3  
(CV03-1158P)  
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1 of Dr. Leon himself on the stand. Dr. Leon will make himself available at the convenience of  
2 the Court and counsel for IDX, and will respond to any and all questions relating to the  
3 subject matter of this motion.

4 Dated this 9th day of September, 2004.

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2004, I electronically delivered the foregoing to the following: M. Edward Taylor at [etaylor@sebrisbusto.com](mailto:etaylor@sebrisbusto.com), Rick Kaiser at [rkaiser@sebrisbusto.com](mailto:rkaiser@sebrisbusto.com), Lisa N.W. Dublin at [ldublin@sebrisbusto.com](mailto:ldublin@sebrisbusto.com), Angelo J. Calfo at [acalfo@yarmuth.com](mailto:acalfo@yarmuth.com), Michelle K. Peterson at [mpeterson@yarmuth.com](mailto:mpeterson@yarmuth.com), Michael Rosenberger at [mrosenberger@yarmuth.com](mailto:mrosenberger@yarmuth.com), and Jordan Gross at [jgross@yarmuth.com](mailto:jgross@yarmuth.com), counsel for defendant IDX in the above case.



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